

1 ABENICIO CISNEROS [SBN 302765]  
2 268 Park View Terrace  
3 Oakland, CA 94610  
4 707-653-0438  
5 acisneros@capublicrecordslaw.com  
6 Attorney for ADRIAN RISKIN

**FILED**  
Superior Court of California  
County of Los Angeles

**APR 12 2018**

Sherril B. Carter, Executive Officer/Clerk  
By Marion Gomez Deputy

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
8 **FOR THE COUNTY OF LOS ANGELES**

**BS 1 7 3 2 6 6**

10 ADRIAN RISKIN,  
11 Petitioner,  
12 vs.  
13 VENICE BEACH PROPERTY OWNERS'  
14 ASSOCIATION,  
15 Respondent.  
16  
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18

) Case No.:  
)  
) **VERIFIED PETITION FOR WRIT OF**  
) **MANDATE UNDER THE CALIFORNIA**  
) **PUBLIC RECORDS ACT**  
)  
) **[California Constitution Article I § 3; Gov't**  
) **Code § 6250, et seq. Civ. Proc. Code § 1085, et**  
) **seq.]**  
)  
) Department:  
)  
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04/13/2018

## INTRODUCTION

1  
2 1. This is a petition to enforce the California Public Records Act ("CPRA") against  
3 Respondent the Venice Beach Property Owners' Association, a.k.a. the Venice Beach Business  
4 Improvement District ("the BID"). The BID formed in 2016 amidst controversy and significant  
5 community objection. Its contractual obligations began on January 1, 2017. On February 17, 2017,  
6 Petitioner submitted a CPRA request for records related to the BID's operation and formation. More  
7 than thirteen months have elapsed and, to date, the BID has failed to provide even a single record in  
8 response to Petitioner's request.

9 2. As a creature of statute and public contract, the BID has important public  
10 obligations, including the obligation to comply with the CPRA. The BID's operations are a source  
11 of significant community concern, and the public has a strong interest in the records the BID has  
12 failed to provide. The BID's continued flouting of the CPRA casts a veil of secrecy over matters as  
13 fundamentally public as the BID's communications with the City of Los Angeles and the Los  
14 Angeles Police Department, the BID's relationship with consultants and contractors, intra-board  
15 communications, and the particularly-controversial issue of the BID's selection of a security  
16 provider.

17 3. Therefore, by this petition and pursuant to the Code of Civ. Procedure §§ 1085, *et*  
18 *seq.* and Cal. Gov't Code §§ 6250, *et seq.*<sup>1</sup>, Petitioner seeks a writ of mandate to enforce the CPRA  
19 by compelling the Venice Beach Property Owners' Association to locate and produce the requested  
20 records.

## PARTIES

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23 4. Petitioner Adrian Riskin is a resident of Los Angeles, holds a PhD in mathematics, is  
24 a mathematics professor at a local college, and is an open records activist. Petitioner uses public  
25 records requests to investigate and understand the activities of business improvement districts  
26 ("BIDs"), Los Angeles City government, and the relationship between them. Petitioner publishes  
27  
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<sup>1</sup> Unless otherwise stated, all references to code sections are to the Cal. Gov't Code.

and blogs about records he obtains at michaelkohlhaas.org. Petitioner's collection of records has assisted researchers and the public at large in understanding BIDs. Petitioner has worked with students at U.C. Berkeley School of Law's Policy Advocacy Clinic and documentary filmmakers producing a film on the Greater West Hollywood Food Coalition and the Hollywood Media District BID. Petitioner's work has made a tangible impact on open government and the enforcement of accountability laws. For example, in response to his discovery—via information obtained through public records requests—that private BID patrol operators were not registering with the Los Angeles Police Commission as required by law, the Los Angeles City Attorney resumed enforcement of that provision and a BID patrol was investigated for its use of excessive force. Additionally, Petitioner has empowered the public to use the CPRA effectively in both research and civic activism by publishing a guide to the practical use of the CPRA in the City of Los Angeles. Petitioner is a member of the public within the meaning of §§ 6252(b)-(c).

5. Respondent the Venice Beach Property Owners' Association is a property owners' association pursuant to the Property and Business Improvement District Law of 1994, California Streets & Highways Code §§ 36600, *et seq.* Respondent contracts with the City of Los Angeles to manage the Venice Beach Business Improvement District. Respondent is subject to the CPRA as a matter of state law. California Streets & Highways Code § 36612.

## **JURISDICTION AND VENUE**

6. This court has jurisdiction under Gov't Code §§ 6258, 6259, Code of Civ. Proc. § 1085, and Article VI, Section 10 of the California Constitution.

7: Venue is proper in this Court. The records in question, or some portion of them, are situated in the County of Los Angeles, Gov't Code § 6259; the acts or omissions complained of occurred in the County of Los Angeles, Code of Civ. Proc. § 393; finally, Respondent is located in the County of Los Angeles, Code of Civ. Proc. § 395.

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1 **FACTUAL ALLEGATIONS**

2 **The BID's 2016 formation was controversial and marked by community concern**

3 8. The legal process to form the BID took place in 2016 and, from the start, faced  
4 community opposition. The legislative aspect of the process began when, on June 24, 2016, the Los  
5 Angeles City Clerk issued a report to the Los Angeles City Council regarding the proposed  
6 formation of the BID. The Clerk issued the report after the consulting firm Devine Strategies  
7 presented a petition indicating support from property owners representing 52.31% of the BID's  
8 estimated annual assessments. In addition to the petition, Devine Strategies also submitted a  
9 Management District Plan it drafted, an Engineer's Report prepared by Edward V. Henning, and a  
10 draft Ordinance of Intention. A true and correct copy of the Clerk's Report is attached as Exhibit A.

11 9. The City Council held its first hearing on the matter on June 28, 2016. There, the  
12 BID's formation faced significant opposition. A community coalition—comprised of the Los  
13 Angeles Community Action Network, the Los Angeles Human Right to Housing Collective, Venice  
14 Community Housing, and others—submitted a letter opposing the establishment of the BID. The  
15 coalition stated several grounds for its opposition, including that BIDs in Los Angeles and their  
16 security forces have a history of hostility toward homeless and low-income residents, that BIDs  
17 privatize public spaces and services by granting control to commercial property owners, and that the  
18 formation of the BID was undemocratic. The coalition also submitted a petition opposing the BID  
19 which contained well over one hundred signatures. A true and correct copy of the Coalition's Letter  
20 submitted to the City Council is attached as Exhibit B.

21 10. On June 29, 2016, the City Council adopted the Ordinance of Intention to consider  
22 the establishment of the BID.

23 11. On August 23, 2016, the City Council held another public hearing on the  
24 establishment of the BID and announced the results of the "ballot tabulation," an aspect of the BID  
25 formation process. At that meeting, the City Council adopted the Ordinance of Establishment.

26 12. The BID remained controversial at that hearing. On the following day, August 24,  
27 2016, an attorney with the Legal Aid Foundation of Los Angeles submitted a letter to the Los  
28 Angeles City Attorney regarding the previous day's hearing. The letter asserted that the City

1 Council limited public comment and prevented many individuals from speaking—the majority of  
2 whom opposed the BID—and that when attendees vocally protested the decision to conclude the  
3 public hearing, the Council threatened to clear the chambers. The letter argued that the Council’s  
4 actions in limiting public comment violated the BID’s enabling statute (Streets and Highways Code  
5 § 36623), and that the violation could not be cured by simply permitting additional testimony at a  
6 new hearing. The letter stated, in part:

7           There was no reason to close the public hearing before members of the  
8           public were allowed to be heard on this issue. Stakeholders who otherwise  
9           have no voice in the creation of a BID and the regulation of public space  
10          were present for hours, waiting to be heard. The relevant statutes gave  
11          them a right to testify, and under those statutes, the Council’s failure to  
12          allow them the opportunity to exercise this right renders the balloting  
13          process invalid.

14 Find a true and accurate copy of the Letter from Legal Aid of Los Angeles to the Los Angeles City  
15 Attorney attached as Exhibit C.

16           13.     On September 2, 2016, in response to the letter from the Legal Aid Foundation of  
17     Los Angeles, the Los Angeles City Attorney submitted a report to the City Council in which the  
18     City Attorney advised the City Council to repeal the original Ordinance of Intention and the  
19     Ordinance of Establishment, to adopt a new Ordinance of Intention, and to conduct a legally  
20     adequate public hearing. Find a true and accurate copy of the City Attorney’s Letter attached as  
21     Exhibit D.

22           14.     On the same day, further evincing the public interest in the BID’s activities, the LA  
23     Times Editorial Board published an editorial titled, “Cleaning up the Venice Boardwalk is good;  
24     shooing off the homeless is not.” While the editorial did not explicitly endorse or oppose the  
25     formation of the BID, it expressed concern that the well-funded BID would deploy a “de facto  
26     private security force” to “hassle the homeless in an effort to move them pointlessly from corner to  
27     corner or to push them out of the neighborhood so that they become another jurisdiction’s  
28     problem.” Find a true and accurate copy of the LA Times Editorial attached as Exhibit E.

          15.     On November 8, 2016, the City Council held another public hearing and ballot  
tabulation at which it considered a new Ordinance of Establishment. As per the law, ballots are

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1 weighted by property value. Thus, while the majority of property owners opposed the BID, the  
2 weighted value of the “Yes” ballots outnumbered that of the “No” ballots. In addition to the  
3 majority opposition of property owners’ ballots, the City Council received a petition with six  
4 hundred and fifty two signatures opposing the BID. Despite this opposition, the City Council  
5 approved the new Ordinance of Establishment. As per the Ordinance, the BID’s operational period  
6 began on January 1, 2017, and the BID’s total annual assessment for its first year was estimated to  
7 be \$1,871,119. Find a true and accurate copy of the Clerk’s Report concerning ballot tabulation, the  
8 official Council Action form approving the Ordinance, and the Ordinance attached as Exhibit F.

9 **Petitioner’s CPRA request to the BID**

10 16. On February 17, 2017, Petitioner submitted a CPRA request to the BID for records  
11 related to the formation and ongoing operations of the BID. Specifically, the request asked for  
12 communications between the BID and the City of Los Angeles (including the Clerk’s office, City  
13 Council District 11, and the Los Angeles Police Department); for communication between the BID  
14 and anyone at Devine Strategies (including its subcontractors such as Ed Henning); for intra-board  
15 communications relating to BID business; and, for all records related to the BID’s choice of a  
16 security provider. Find a true and accurate copy of Petitioner’s February 17, 2017, CPRA request  
17 attached as Exhibit G.

18 17. The BID failed to respond to Petitioner’s request with a determination of  
19 disclosability within the ten-day deadline mandated by § 6253(c). On March 8, 2017, Petitioner sent  
20 a follow-up email inquiring as to the status of the request. Find a true and accurate copy of  
21 Petitioner’s March 8, 2017, email attached as Exhibit H.

22 18. On March 21, 2017, having still received no response, Petitioner sent an additional  
23 follow-up email to the BID. Find a true and accurate copy of Petitioner’s March 21, 2017, email  
24 attached as Exhibit I.

25 19. On October 14, 2017, after having received no response for nearly eight months,  
26 Petitioner sent another follow-up email to the BID. In this email, Petitioner also clarified a time  
27 scope for the request. Find a true and accurate copy of Petitioner’s October 14, 2017, email attached  
28 as Exhibit J.

1           20.     On October 20, 2017, the BID, in the person of Tara Devine, responded to  
2     Petitioner's email. The BID's response did not make a determination of disclosability, nor did it  
3     provide an estimated date of production, nor did it provide any records. Rather, it merely stated,  
4     "[t]hank you for your CPRA request. We are reviewing our records to determine any records  
5     responsive to your request." Find a true and accurate copy of the BID's October 20, 2017, email  
6     attached as Exhibit K.

7           21.     On November 3, 2017, Devine sent another response from the BID. This response,  
8     too, made no determination of disclosability, provided no estimated date of production, and  
9     provided no records. Rather, it indicated that records would be provided, "at [the BID's] earliest  
10    opportunity" and that "at a minimum" the BID would provide an "update" by Thanksgiving. Find a  
11   true and accurate copy of the BID's November 3, 2017, email attached as Exhibit L.

12          22.     Petitioner responded the same day and informed the BID that the law requires an  
13    estimated date of production and that records be made available promptly, which the BID failed to  
14    do. Find a true and accurate copy of Petitioner's November 3, 2017, email attached as Exhibit M.

15          23.     On November 22, 2017, two hundred and seventy-eight days after Petitioner  
16    submitted the request, Devine emailed another response from the BID. As before, the BID made no  
17    determination of disclosability, and provided no records. Instead, the BID indicated that it expected  
18    to provide "at least partial records" in December. Find a true and accurate copy of BID's November  
19   22, 2017, email attached as Exhibit N.

20          24.     The BID failed to provide records in December, partial or otherwise. On January 1,  
21    2018, three hundred and eighteen days after Petitioner submitted the request, and a full calendar  
22    year after the BID became operational under the terms of its ordinance, the BID again emailed  
23    Petitioner. While the BID assured Petitioner it was "continuing to work on" the request, once again,  
24    the BID failed to provide a determination of disclosability, an estimated date of production, or  
25    records. Find a true and accurate copy of the BID's January 1, 2018, email attached as Exhibit O.

26          25.     The BID sent no further response. As of this writing, more than four hundred and  
27    fifteen days have passed since Petitioner submitted the request. The BID has failed to provide even  
28    a single record.

1 **FIRST CAUSE OF ACTION**

2 **VIOLATION OF THE CALIFORNIA PUBLIC RECORDS ACT**

3 **GOV'T CODE § 6250, *et seq.***

4 26. Petitioner incorporates herein by reference the allegations of paragraphs 1 through 25  
5 above, as if set forth in full.

6 27. Respondent is subject to the CPRA under California Streets & Highways Code §  
7 36612.

8 **General principles of the California Public Records Act**

9 28. Under the California Public Records Act, § 6250 *et seq.*, all records that are  
10 prepared, owned, used, or retained by any public agency, and that are not subject to the CPRA's  
11 statutory exemptions to disclosure, must be made publicly available for inspection and copying  
12 upon request. § 6253.

13 29. In enacting the CPRA, the legislature recognized that:

14 A requester, having no access to agency files, may be unable to  
15 precisely identify the documents sought. Thus, writings may be  
16 described by their content. The agency must then determine whether it  
17 has such writings under its control and the applicability of any  
exemption. An agency is thus obliged to search for records based on  
criteria set forth in the search request.

18 *California First Amendment Coalition v. Superior Court*, 67 Cal. App. 4th 159, 165-66 (1998); *see*  
19 § 6253(b).

20 30. Upon receiving a request, an agency must determine whether the request, in whole or  
21 in part, seeks copies of disclosable records in the agency's possession. § 6253(c). An agency must  
22 inform the requestor as to its determination of disclosability within ten days of the agency's receipt  
23 of the request, barring statutorily-defined "unusual circumstances." § 6253(c). While an agency may  
24 adopt requirements for itself that allow for faster, more efficient, or greater public access to records  
25 than prescribed by the CPRA's minimum standards, an agency is not permitted to delay or obstruct  
26 the inspection or copying of records. § 6253(e); § 6253(d).

27 31. An agency is required to make non-exempt records available "promptly" upon  
28 request. § 6253(b).



1           32.     Where an agency withholds responsive records on the basis of a statutory exemption,  
2 “the agency ... must disclose that fact.” *Haynie v. Superior Court* (2001) 26 Cal. 4th 1061, 1072  
3 (citing § 6255). The agency bears the burden of justifying nondisclosure. § 6255(a). Even if parts of  
4 a particular document are exempt, the agency must disclose the remainder of the document. §  
5 6253(a).

6           33.     If an agency fails to comply with these statutory provisions, the CPRA authorizes a  
7 person to file a petition for writ of mandate to enforce their right to inspect or to receive a copy of  
8 the record. § 6258.

9           34.     Whenever it is made to appear by verified petition to the superior court of the county  
10 where the records or some part thereof are situated that certain public records are being improperly  
11 withheld from a member of the public, the court shall order the officer or person charged with  
12 withholding the records to disclose the public record or show cause why they should not do so. The  
13 court shall decide the case after examining the record in camera (if permitted by the Evidence  
14 Code), papers filed by the parties, and any oral argument and additional evidence as the court may  
15 allow. § 6259(a).

16           35.     The CPRA contains a mandatory attorney’s fee provision for the prevailing plaintiff.  
17 § 6259(d). The purpose of the attorney’s fee provision is to provide “protections and incentives for  
18 members of the public to seek judicial enforcement of their right to inspect public records subject to  
19 disclosure.” *Filarsky v. Superior Court* (2002) 28 Cal.4th 419, 427.

20           36.     A plaintiff prevails under the CPRA where the plaintiff shows that an agency  
21 unlawfully denied access to records. *Community Youth Athletic Center v. City of National City*  
22 (2013) 220 Cal.App.4th 1385, 1446-1447. An agency is not protected from liability merely because  
23 the denial of access was due to the agency’s internal logistical problems or general neglect of its  
24 duties. *Id.*

25           **The BID completely failed its duties under the CPRA and withheld all requested**  
26           **records from Petitioner**

27           37.     Here, Petitioner submitted a request for basic, easy-to-provide records concerning  
28 communications between the BID and the City of Los Angeles, communications between the BID

1 and its consultants, the BID's intra-board communications, and records concerning the BID's  
2 selection of a security provider. Petitioner's requests triggered the BID's duty to locate responsive  
3 records, to determine whether those records are public and disclosable, and to provide those records  
4 promptly.

5 38. The BID has refused to comply with any of its duties under the CPRA and, in so  
6 doing, has denied Petitioner access to all requested public records. At no time did the BID indicate  
7 that it had located the requested records. At no time did the BID make a determination of  
8 disclosability. At no time did the BID state under what exemptions, if any, it was withholding  
9 records. Most significantly, at no time did the BID provide records.

10 39. From its conception, the BID faced community opposition on the grounds that it  
11 would effectuate the undemocratic privatization of public spaces and services by placing them  
12 under the control of a cabal of well-connected property owners. The BID's formation also stoked  
13 fears that its security force would target and harass homeless and low-income residents without the  
14 oversight and accountability applicable to a public law enforcement agency such as the Los Angeles  
15 Police Department.

16 40. The transparency and accountability provided by the CPRA is one of the few  
17 democratic checks on the BID's power. Moreover, the CPRA is one of the few means available for  
18 the public to investigate whether—or to what extent—its fears regarding the BID's private security  
19 force are well-founded. The BID has a nearly two million dollar annual budget and is administered  
20 by large property owners who stand to benefit from the expulsion, harassment, and victimization of  
21 Venice's homeless and low-income residents. The BID, by its complete disregard of its obligations  
22 under the CPRA, has shown a comfort with violating the law. In our era of gentrification,  
23 displacement, and class division, many doubt whether such an organization can be trusted to operate  
24 a well-funded private security force. It is beyond doubt, however, that such an organization cannot  
25 be trusted with carte blanche to operate its well-funded private security force clandestinely, or to  
26 conduct its other business outside the reach of the CPRA.

27 41. Therefore, Petitioner respectfully petitions for a writ of mandate ordering the BID to  
28 comply with the CPRA.

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**VERIFICATION**

I, ABENICIO CISNEROS, am the attorney for Petitioner Adrian Riskin in this action. Petitioner is absent from the county in which I have my office. I have read the foregoing Petition for Writ of Mandate and know the contents thereof. I am informed and believe that the matters in it are true and on that ground allege that the matters stated in the petition are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this the 9th day of April, 2018 at Sonora, California.



Abenicio Cisneros  
Attorney for Adrian Riskin

04/13/2018

## INDEX OF EXHIBITS

EXHIBIT A: Los Angeles City Clerk's June 24, 2016, Report Regarding Venice Beach Business Improvement District.

EXHIBIT B: June 28, 2016, Coalition Letter Opposing Establishment of Business Improvement District in Venice.

EXHIBIT C: August 24, 2016, Legal Aid Foundation of Los Angeles Letter Regarding August 23, 2016, City Council Hearing.

EXHIBIT D: September 2, 2016, City Attorney Letter to City Council.

EXHIBIT E: September 2, 2016, LA Times Editorial, "Cleaning up the Venice Boardwalk is good; shooing off the homeless is not."

EXHIBIT F: City Clerk's November 9, 2016, Report on Ballot Tabulation; November 15, 2016, Council Action Form Approving Ordinance of Establishment; BID Ordinance.

EXHIBIT G: Petitioner's February 17, 2017, CPRA request.

EXHIBIT H: Petitioner's March 8, 2017, first follow-up to CPRA request.

EXHIBIT I: Petitioner's March 21, 2017, second follow-up to CPRA request.

EXHIBIT J: Petitioner's October 14, 2017, third follow-up to CPRA request.

EXHIBIT K: Respondent's October 20, 2017, initial response to CPRA request..

EXHIBIT L: Respondent's November 3, 2017, email to Petitioner.

EXHIBIT M: Petitioner's November 3, 2017, reply to Respondent.

EXHIBIT N: Respondent's November 22, 2017, email to Petitioner.

EXHIBIT O: Respondent's January 1, 2018, email to Petitioner.

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**EXHIBIT A**

# City of Los Angeles CALIFORNIA

HOLLY L. WOLCOTT  
CITY CLERK

—  
SHANNON D. HOPPE  
EXECUTIVE OFFICER



ERIC GARCETTI  
MAYOR

OFFICE OF THE  
CITY CLERK

NEIGHBORHOOD AND BUSINESS  
IMPROVEMENT DISTRICT DIVISION  
200 N. SPRING STREET, ROOM 224  
LOS ANGELES, CA 90012  
(213) 978-1099  
FAX: (213) 978-1130

—  
MIRANDA PASTER  
DIVISION MANAGER

[clerk.lacity.org](http://clerk.lacity.org)

June 24, 2016

Honorable Members of the City Council  
City Hall, Room 395  
200 North Spring Street  
Los Angeles, California 90012

Council District 11

REGARDING: VENICE BEACH BUSINESS IMPROVEMENT DISTRICT  
(PROPERTY BASED)

Honorable Members:

The City Clerk has received materials relative to the formation of a proposed property and business improvement district to be called the Venice Beach Business Improvement District ("District"). The District would be formed pursuant to the provisions of the Property and Business Improvement District Law of 1994 (Section 36600 et seq., Streets and Highways Code, State of California).

This report shall serve as the Preliminary Report of the City Clerk. Attached to this report are: 1) the Management District Plan, which details the improvements and activities to be provided and serves as the framing document for the proposed District; 2) a detailed Engineer's Report prepared by a registered professional engineer certified by the State of California, which supports the assessment contained in the Management District Plan; and 3) a draft Ordinance of Intention, approved as to form and legality by the City Attorney's Office.

## **BACKGROUND**

The District is being established in accordance with the provisions of the Property and Business Improvement District Law of 1994 (Section 36600 et seq., Streets and Highways Code, State of California) ("State Law"), which allows for the establishment of

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a district in which operations would be supported by revenue collected from property owners in the district.

The proposed District programs include, but are not limited to the following: Clean and Safe Programs, District Identity and Special Projects, and Administration and Management.

### PRELIMINARY PETITIONS

In order to proceed with the establishment process under the State Law, the proponent group needed to secure written support for the project in the form of petitions signed by property owners who will pay more than 50 percent of the assessments proposed to be levied. The consulting firm for the proposed District, Devine Strategies, has presented to the Office of the City Clerk a set of petitions that support the formation of the proposed District. This Office has verified the validity of the petitions using various City and County of Los Angeles sources. In addition, this Office has verified the accuracy of the assessment calculations.

The petitions received indicate affirmative financial support of the project in an amount equivalent to \$968,902.69. This represents 52.31 percent of the proposed District's projected first year revenue of \$1,871,119. Because the more than 50 percent threshold of preliminary support has been achieved, the formal business improvement district establishment process, including a public hearing before the City Council, may be initiated.

### PROPOSED DISTRICT BOUNDARIES

The boundaries of the proposed Venice Beach area are as detailed in the Management District Plan. A general description of the boundaries of the proposed District is as follows: The western boundary is geographically determined by the Venice public beach and the Pacific Ocean, and consists of government owned parcels, excluding beach/sand; the southern boundary generally coincides with South Venice Blvd.; the eastern boundary is very irregular and follows along northward to include commercial and industrial zoned parcels, excluding parcels zoned solely residential to Marine Ct., then south along commercial and industrial zoned parcels to Horizon Ct., then north along Speedway and Ocean Front Walk; and the northern boundary is Barnard Way at the City limit. There are two benefit zones separated by Westminster Ave. between Riviera Ave. and Pacific Ave., and the western edge of APN 4238018900 between Mildred Ave. and South Venice Blvd. All parcels zoned solely residential are excluded from the proposed District.

There are 464 parcels owned by 349 stakeholders in the proposed District. The map included in the District's Management District Plan gives sufficient detail to locate each parcel of property within the proposed District.

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### DISTRICT RENEWAL AND PROPOSITION 218 COMPLIANCE

Article XIID of the California Constitution (Proposition 218) requires, among other things, that the City Council: 1) identify all parcels that will have a special benefit conferred upon them and upon which assessments will be imposed; 2) determine the proportionate special benefit derived by each identified parcel in relation to the entirety of the capital cost of the property related service; 3) not impose an assessment on a parcel which exceeds the reasonable cost of the proportional benefit conferred on that parcel; 4) assess only for special benefits and separate the general benefits from the special benefits conferred on a parcel; 5) assess all publicly owned parcels unless City Council finds, by clear and convincing evidence, that those publicly owned parcels receive no special benefit; and 6) find that all assessments are supported by a detailed Engineer's Report prepared by a registered professional engineer certified by the State of California. The City Clerk has read and approves the Engineer's Report included herewith, as supporting the assessments contained in the Management District Plan and, in addition, includes facts, which would support City Council findings relative to items 1 through 6 above. The City Clerk has read and approves the Management District Plan.

Proposition 218 also includes certain notice, protest and hearing requirements. Those requirements are codified in the Proposition 218 Omnibus Implementation Act ("Act") (California Government Code Section 53750 et seq.). This report recommends that the City Council direct the City Clerk to comply with the Act. Establishment of the proposed District is contingent upon the City's receipt of a weighted majority of financially supportive ballots as submitted by the affected property owners. The City Clerk will tabulate the ballot returns and will report the results to the City Council.

### EXEMPTION UNDER PROPOSITION 26

On November 2, 2010, voters in the State of California passed Proposition 26, which broadened the definition of taxes and which require approval by two-thirds of each house of the Legislature or by local voter approval. However, Article XIIC §1(e)(7) of the California Constitution states that "assessments and property-related fees imposed in accordance with the provisions of Article XIID are exempt." As previously stated, the proposed District is being established in accordance with Article XIID of the California Constitution and is therefore exempt from Proposition 26.

### PROPOSED IMPROVEMENTS AND PROGRAMS

The District is expected to generate \$1,871,119.00 annually over a five-year period with a maximum five percent (5%) increase per year. Any adjustment will be included in the Annual Planning Report submitted for Council consideration. The revenue will be utilized to fund the proposed District's improvements and activities that include, but are not limited to: Clean and Safe Programs, District Identity and Special Projects, and Administration and Management.

Improvements and activities are services which will be provided to supplement the services already provided by the City of Los Angeles and will not supplant City services. The Owners' Association may contract with third party vendors to perform and complete

District improvements and activities and uphold to City and State regulations where applicable. The proposed improvements and activities are completely separate from the day to day operations of the City of Los Angeles and the City is not involved with selection of the District's vendors.

#### ASSESSMENT FORMULA AND DISBURSEMENTS

The District's proposed assessment formula is an allocation of program costs as described in the attached Management District Plan based upon a calculation of assessable footage. Three property assessment variables, lot square footage, building square footage and linear front footage will be used in the assessment calculation. In addition, two benefit zones as described in the Management District Plan with differing rates depending on type and frequency of special benefit services provided for properties in each zone.

The City Clerk will arrange to have the proposed District's assessments included as a line item on the property tax bills prepared and distributed by the County of Los Angeles. If necessary, this Office will directly bill property owners or entities that do not appear on the tax roll. The County will subsequently transfer assessment revenue to the City. Assessment revenue will be held in trust by the City and will be disbursed through installments to the District to support authorized District improvements and activities.

#### CONTRACTING WITH OWNERS' ASSOCIATION

Upon the establishment of the District, State law requires that the City enter into an agreement with a non-profit corporation to serve as the Owners' Association for the administration of the District. City policy dictates that competitive bidding requirements are to be met when contracting. However, Charter section 371(e)(2) and 371(e)(10) provides exceptions to the competitive bidding requirements, and states, in relevant part, that the competitive bidding process does not apply to contracts "where the contracting authority finds that the use of competitive bidding would be undesirable, impractical or impossible or where the common law otherwise excuses compliance with competitive bidding requirements."

Upon establishment of the District, the City Clerk will contract with Venice Beach Property Owners' Association to manage the District on a day-to-day basis.

#### ASSESSABLE CITY PROPERTY

There are twenty-four (24) City-owned parcels within the District. The total assessment for the City-owned properties within the District is \$426,604.68, representing 23.04 percent of the total assessments levied in the District.

Further, there are seven (7) State-owned parcels within the District to which the City holds a long-term lease and controls pursuant to the agreement signed in 1948, and 1998 correspondence between the State and City agreeing to continue the relationship until such time new leases are in place. The total assessment for these State-owned

properties within the District is \$37,308.23, representing 2.01 percent of the total assessments levied in the District.

If the City assumes the assessments for the state-owned parcels, its representation will increase to 25.05 percent of the total assessments levied in the District, and the total assessment that will be charged to the City is \$463,912.91 for the first year, with a possible 5 percent annual increase.

#### FISCAL IMPACT

Funding for assessments levied on the City-owned properties within the District and for the general benefit, as described below, were included in the Unappropriated Balance for FY 2017.

Proposition 218 requires the separation of general benefits from the special benefits. The general benefit portion for the Venice Beach Business Improvement District is \$18,711.00 for the first year. However, funds other than assessment revenue must be budgeted annually for the general benefit expense, and each year thereafter for the remaining years of the BID's five-year term.

#### RECOMMENDATIONS

1. FIND that the petitions submitted on behalf of the proponents of the proposed Venice Beach Business Improvement District are signed by property owners who will pay more than fifty (50) percent of the assessments proposed to be levied.
2. FIND that all parcels included in the District will receive a special benefit from the improvements and activities that are to be provided.
3. FIND that all parcels that will have a special benefit conferred upon them and upon which an assessment would be imposed are those as identified in the Management District Plan.
4. FIND that in accordance with Article XIID of the California Constitution all assessments are supported by the Engineer's Report, prepared by a registered professional engineer certified by the State of California.
5. FIND that in accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the attached Engineer's Report, the assessment levied on each parcel within the proposed District is proportionate to the special benefit derived from the improvements and activities that are to be provided.
6. FIND that in accordance with Article XIID of the California Constitution and based on the facts and conclusions contained in the attached Engineer's Report, the Engineer has separated the general from special benefits. The Engineer's Report identified general benefits in the amount of 1.0 percent to be separated from the

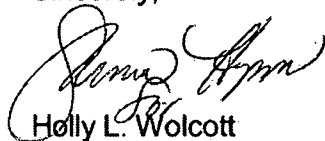
special benefits conferred on parcels within the proposed District. The yearly general benefits cost must be paid from funds other than the assessments collected for the Venice Beach Business Improvement District. The general benefit cost for first year of operation is \$18,711.00.

7. FIND that the City shall pay the assessment levied on seven (7) State-owned parcels within the District, which the City controls and for which it holds a long-term agreement. The special benefit cost for the first year of operation is \$37,308.23.
8. FIND that clear and convincing evidence exists to exempt some publicly owned parcels from assessment.
9. FIND that the assessments for the proposed District are not taxes and that the District qualifies for exemption from Proposition 26 under exemption 7 of Article XIII C §1(e).
10. FIND that the services provided by the Owners' Association are in the nature of professional, expert, technical or other special services, that the services are of a temporary and occasional character, and that the use of competitive bidding would be impractical, not advantageous, undesirable or where the common law otherwise excuses compliance with competitive bidding requirements.
11. FIND that the proposed improvements and activities are completely separate from the day to day operations of the City of Los Angeles.
12. APPROVE Venice Beach Property Owners' Association to serve as the Owners' Association to administer the Venice Beach Business Improvement District if the District is renewed.
13. ADOPT the Preliminary Report of the City Clerk.
14. ADOPT the attached Management District Plan.
15. ADOPT the attached Engineer's Report.
16. ADOPT the attached Ordinance of Intention to establish the Venice Beach Business Improvement District.
17. AUTHORIZE the City Clerk to prepare, execute and administer a contract between the City of Los Angeles and Venice Beach Property Owners' Association, a non-profit corporation, for the administration of the District's programs.
18. AUTHORIZE the Controller, upon establishment of the District, to establish a special trust fund within FMS entitled Venice Beach Business Improvement District and assign a new revenue source code, if needed, to this special fund.

04/13/2018

19. AUTHORIZE the Controller to transfer \$482,623.91 from the FY 2017 Unappropriated Balance to the FY 2017 Business Improvement District Trust Fund 659.
20. DIRECT the City Clerk to comply with the notice, protest, and hearing procedures prescribed in the Proposition 218 Omnibus Implementation Act (California Government Code, Section 53750 et seq.).
21. REQUEST the City Attorney, with the assistance of the City Clerk, prepare an enabling Ordinance establishing the Venice Beach Business Improvement District for Council consideration at the conclusion of the required public hearing.
22. REQUEST the Department of Recreation and Parks and the Board of Public Works designate a liaison to coordinate with the City Clerk and prepare a baseline services agreement for the proposed Venice Beach Business Improvement District.

Sincerely,



Holly L. Wolcott  
City Clerk

HLW:SDH:MCP:RMH:rm

Attachments:

Management District Plan  
Engineer's Report  
Agreement between the State of California and the City of Los Angeles  
Ordinance of Intention

04/13/2018

04/13/2018

**EXHIBIT B**

June 28, 2016

Los Angeles City Council  
Los Angeles City Clerk  
City Hall  
200 N. Spring Street  
Los Angeles, CA 90012

Date: 6/28/16  
Submitted in EDC Committee  
Council File No: 16-0749  
Item No.: 2  
Adam R. Lid  
Deputy: \_\_\_\_\_

**RE: Opposition to the Establishment of Business Improvement District(s) in Venice**

Dear City Officials,

We are writing to oppose the establishment of the proposed Venice Beach Business Improvement District. As longtime residents, property owners, business owners and stakeholders, we are concerned about both the Business Improvement District (BID) process and potential implementation. We oppose for many reasons, including:

1. The process for establishing the BID has not been public or transparent. None of the details or documents about the potential Venice BID have been made public, including the proposed area of coverage, the bylaws or other governing documents, the process for membership, the results or timing of any petitions or ballot processes, and other relevant information.
2. Business Improvement Districts in the City of Los Angeles, and particularly the security forces they hire, have a history of hostility toward homeless and low-income residents resulting in several lawsuits since their inception in the late 1990s regarding unconstitutional practices.
3. Business Improvement Districts are a way to put the control of public spaces and services in the hands of private, commercial property owners that disenfranchises or harms those that don't own commercial property and limits democratic control over resources.
4. Business Improvement District assessments are not feasible for all businesses or property owners to pay, particularly non-profits and small business owners. Additionally, non-profits and small businesses that rent their properties are likely to have to pay their portion of a BID assessment without any voice or vote in the approval process.
5. The founding premise for the Business Improvement District is at fault. It is claimed that a BID is needed because the City of Los Angeles is not providing the proper public services. While the city is not currently providing all needed services, the solution is not giving grossly disproportionate control of public spaces to the select few who own businesses in a neighborhood. We vehemently oppose any privatization of our public spaces and services. The city is responsible for providing these necessary services.
6. Currently, and for at least the past five years, some of the wealthiest global technology corporations such as Google and Snapchat have enjoyed an 80% tax break from the City. Simply requiring these companies pay their fair share would help properly fund our needed public services.
7. Residents, small businesses, tourists and other stakeholders in and near the proposed Venice Beach BID are not in favor of the BID, yet have no voice or vote in the process. Initial petitions documenting this opposition are attached.

For these and other reasons, we urge that any proposal for a BID in Venice be denied.

Sincerely,

Los Angeles Community Action Network  
Los Angeles Human Right to Housing Collective  
Occupy Venice  
People Organized for Westside Renewal (POWER)  
VAGABOND  
Venice Coalition to Preserve Our Unique Community Character (VCPUCC)  
Venice Community Housing  
Venice Justice Committee  
Venice United/Unidos  
Western Regional Advocacy Project  
Westside Tenants Union

0441342616

04/13/2018

**EXHIBIT C**





Item 2

7000 S. Broadway  
Los Angeles, CA 90003  
213-640-3950  
213-640-3988 fax  
www.lafla.org

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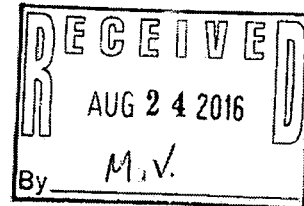
Writer's Direct Line (213) 640-3983

VIA EMAIL

August 24, 2016

Mr. Mike Feuer  
Los Angeles City Attorney  
200 North Main St., 8<sup>th</sup> Floor  
Los Angeles, CA 90012

Ms. Holly Wolcott  
Los Angeles City Clerk  
2000 South Man St.  
Los Angeles, CA 90012



**RE: Council File 16-0749, Venice Beach Business Improvement District**

Dear Mr. Feuer and Ms. Wolcott:

We represent the Southern Homeless Bill of Rights Coalition and write on their behalf regarding the City's failure to abide by the notice and hearing requirements outlined in California Streets and Highways Code Section 36623, California Government Code Section 53753, and Article XIIIID, Section 4 of the California Constitution. The City Council violated these provisions when it closed the hearing on the Venice Beach Business Improvement District (BID) without allowing all members of the public to provide testimony about the BID.

On Tuesday, August 23, 2016, the Los Angeles City Council held a public hearing pursuant to Government Code Section 53753, on the creation of the Venice Beach BID. At the beginning of the public comment period, the Council President informed the audience that the Council would hear public comment for 25 minutes. Only approximately 22 of the 40 individuals who submitted comment cards were allowed to speak and given one minute each to address the Council. Before the rest of the individuals who had submitted comment cards were allowed to testify, the public hearing was closed. Among those individuals who were not allowed to voice objections or protests were a number of property owners who will be assessed if the BID is created, as well as other community stakeholders and members of the Southern California Homeless Bill of Rights Coalition.<sup>1</sup> A number of individuals

<sup>1</sup> Approximately twelve of the 18 individuals who submitted speaker cards but were not allowed to speak were opposed to the BID, while it appears that only one who was in favor of the BID was not given an opportunity to speak. The remaining five speakers indicated that they had general comments

**Other Office Locations:**

**East Los Angeles Office**, 5228 Whittier Blvd., Los Angeles, CA 90022; 213-640-3883  
**Long Beach Office**, 601 Pacific Ave., Long Beach, CA 90802; 562-435-3501  
**Santa Monica Office**, 1640 5th St., Suite 124, Santa Monica, CA 90401; 310-899-6200  
**West Office**, 1102 Crenshaw Blvd., Los Angeles, CA 90019; 323-801-7989

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04/13/2019

vocally protested the Council's decision to conclude the public hearing, but were informed that if they continued to protest, the chambers would be cleared. Thereafter, the City Clerk's office commenced and subsequently completed the tabulation of the ballots.

The Council's actions in concluding the public comment period before individuals were allowed to give testimony about the BID violates the enabling statute for BIDs. Under Streets and Highways Code Section 36623, the City Council must hold a public hearing that complies with Section 53753 of the California Government Code before levying assessments for a Business Improvement District. See Str. & Highways Code § 36623(a).

Government Code Section 53753, the Proposition 218 Omnibus Implementation Act, codifies the public notice and hearing requirements of Article XIID of the California Constitution, which was passed by voters to "protect taxpayers by limiting the methods by which local governments exact revenue from taxpayers without their consent." See *Howard Jarvis Taxpayers Assn. v. City of San Diego* (2002) 72 Cal.App.4<sup>th</sup> 230, 235-36. The requirements of Section 53753 are strictly construed and must be followed in order for a City to levy an assessment under Article XIID.

Unlike public meetings held under the Brown Act, Cal Gov't Code § 54950 *et seq.*, which applies to most public comment and under limited circumstances may allow reasonable limitations on public comment periods, Government Code Section 53753(d) provides that "[a]t the public hearing, the agency shall consider *all* objections or protests, if any, to the proposed assessment. At the public hearing, *any person shall be permitted to present written or oral testimony.*" (emphasis added). Only at the conclusion of the public hearing may ballots be unsealed and tabulated. See Gov't Code §§ 53753(b); (e)(1).

This language is explicit and makes it clear that all members of the public must be allowed the opportunity to be heard at the hearing regarding the creation of a BID. By cutting off public comments and not allowing members of the community to speak, including stakeholders and property owners in the proposed BID who will be required to pay the assessment, the Council violated the strict provisions of Government Code Section 53753. In doing so, the Council invalidated the balloting process necessary to allow it to create the BID and impose an assessment under Streets and Highways Code Section 36600 *et seq.*

The City cannot remedy this violation by simply reopening the hearing to allow for additional public comment. The Government Code provides a detailed sequential process, in which each step is built on the preceding steps, to ensure that the due process rights outlined in Article XIID, Section 4 of the California Constitution are protected. The process begins with the distribution of a petition, the contents of which are outlined in the Streets and Highways Code. See Str. and Highways Code § 36621.<sup>2</sup> A successful petitioning phase is followed by the distribution of the ballot. This ballot must contain information about the public hearing, including the date and time of the hearing. Gov't Code § 53753(b). Ballots may be submitted, changed, or withdrawn up until the completion of the public

---

or did not indicate a position, and none of those individuals were allowed to speak. See Speaker Cards, Council File 16-0749.

<sup>2</sup> The initial petition itself failed to provide information required by the Streets and Highways Code. The petition failed to inform individuals that the complete management district plan "shall be furnished upon request" and where the complete management plan could be obtained, as required by Streets and Highways Code Section 36621. In fact, the complete management district plan was published until June 24, 2016, three months after the petition was circulated to property owners.

hearing, and ballots must remain sealed until the hearing is concluded. Gov't Code § 53753(c). Only after the hearing is completed may ballots be unsealed and counted. *Id.*

The noticed hearing was conducted and concluded yesterday, and the ballots were unsealed and counted. Conducting a new hearing would violate the notice provisions outlined in Section 53753(b) because the information about the hearing must be included with the ballot. Reopening the hearing would also make the City's unsealing and tabulation of the ballots a violation of both sections 53753(c) and (e).

There was no reason to close the public hearing before members of the public were allowed to be heard on this issue. Stakeholders who otherwise have no voice in the creation of a BID and the regulation of public space were present for hours, waiting to be heard. The relevant statutes gave them a right to testify, and under those statutes, the Council's failure to allow them the opportunity to exercise this right renders the balloting process invalid.

If the City wishes to create the Venice Beach Business Improvement District and assess property owners, it must comply with strict provisions of Streets and Highways Code Section 36600 *et seq.*, Government Code Section 53753, and Article XIID of the California Constitution. This includes allowing all individuals to present testimony about the BID and considering their objections and their protests.

Sincerely,

/s

Shayla Myers  
Attorney

CC: **Councilmember Gilbert Cedillo**  
**Councilmember Paul Krekorian**  
**Councilmember Bob Blumenfield**  
**Councilmember David E. Ryu**  
**Councilmember Paul Koretz**  
**Councilmember Nury Martinez**  
**Councilmember Felipe Fuentes**  
**Councilmember Marquis Harris-Dawson**  
**Councilmember Curren D. Price, Jr.**  
**Councilmember Herb J. Wesson, Jr.**  
**Councilmember Mike Bonin**  
**Councilmember Mitchell Englander**  
**Councilmember Mitch O'Farrell**  
**Councilmember Jose Huizar**  
**Councilmember Joe Buscaino**

04/13/2018

04/13/2018

**EXHIBIT D**



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 1 6 - 0 2 7 9

SEP 02 2016

**REPORT RE:**

**DRAFT ORDINANCE REPEALING ORDINANCE OF INTENTION AND ORDINANCE OF ESTABLISHMENT, AND ADOPTING A NEW ORDINANCE OF INTENTION FOR THE FORMATION OF THE VENICE BEACH BUSINESS IMPROVEMENT DISTRICT**

The Honorable City Council  
of the City of Los Angeles  
Room 395 City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 16-0749

Honorable Members:

The Office of the City Attorney has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality, repealing the original Ordinance of Intention (Ordinance No. 184382) and Ordinance of Establishment (adopted August 24, 2016), and adopting a new Ordinance of Intention for the formation of the Venice Beach Business Improvement District (District).

Background and Summary of Ordinance Provisions

On June 29, 2016, the City Council adopted an Ordinance of Intention to consider the establishment of the District and levy assessments on property owners (Ordinance No. 184382). On August 23, 2016, the City Council held a public hearing to determine whether to establish the District and at the conclusion of the public hearing the City Clerk tabulated all the assessment ballots. On August 24, 2016, the results of the tabulation were announced and the City Council adopted the Ordinance of Establishment of the District. That ordinance is not yet legally effective.

04/13/2016

In a letter date August 24, 2016, the Legal Aid Foundation of Los Angeles alleged that the formation of the District was legally in jeopardy because not all members of the public who requested to provide testimony during the public hearing were allowed to do so. To address this allegation and mitigate against the potential legal challenge over the District's formation, we recommend that the public hearing upon the proposed assessment be repeated.

In order to repeat the public hearing, State law requires the adoption of a new Ordinance of Intention and new findings to be made in accordance with the City Clerk Report dated June 24, 2016, and other related documents already in Council File No. 16-0749. The new Ordinance of Intention will also provide notice by mail at least 45 days prior to the date of the public hearing. Therefore, we recommend the adoption of the proposed draft Ordinance of Intention for the establishment of the District. The proposed draft ordinance also repeals the original Ordinance of Intention and the recently adopted Ordinance of Establishment.

If you have any questions regarding this matter, please contact Deputy City Attorney Christy Numano-Hiura at (213) 978-7746. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By



DAVID MICHAELSON  
Chief Assistant City Attorney

DM:CNH:pj  
Transmittal

04/13/2018

**EXHIBIT E**



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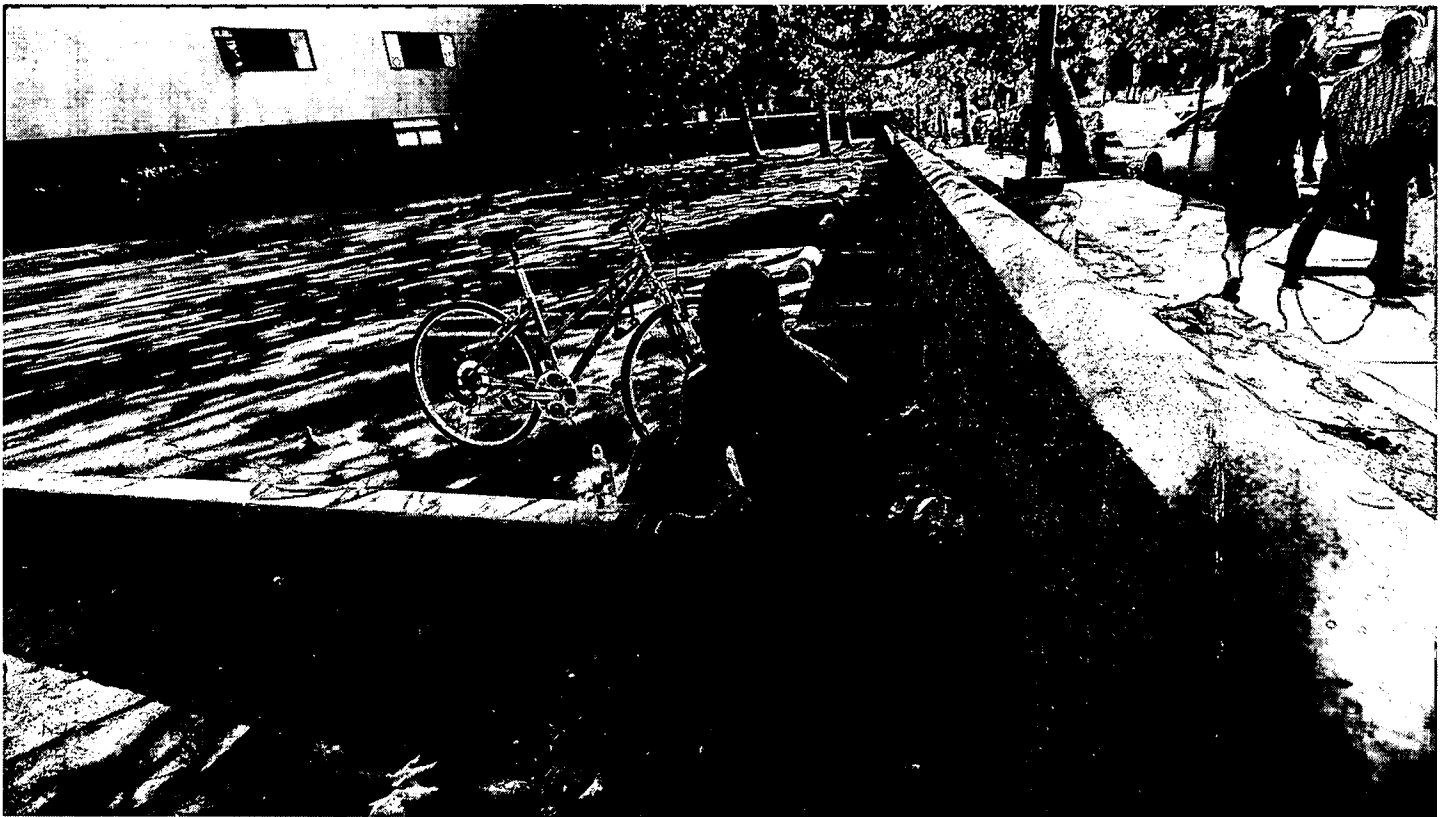


EDITORIAL

EDITORIALS

# Cleaning up the Venice boardwalk is good; shooing off the homeless is not

By THE TIMES EDITORIAL BOARD  
SEP 02, 2016 | 5:00 AM



A homeless man smokes a cigarette in a Venice Beach parking lot on Aug. 26. (Los Angeles Times)





Many commercial and industrial property owners in the city of Los Angeles take civic betterment into their own hands, banding together into business improvement districts and taxing themselves to provide services beyond what the city government offers. There are now 42 such districts across the city, all voted into existence locally and then approved by the Los Angeles City Council.

The latest group to seek a BID (as they are shorthanded) are commercial and industrial property owners around the famed Venice boardwalk. But the Venice Beach BID faces challenges that few of the others do — its district includes store owners, restaurateurs, street performers, legions of tourists and one of the largest concentrations of homeless people in the city. More than 1,000 homeless people live in Venice, many of them near the beach.



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While some BIDS focus solely on cleaning, trash removal and stringing holiday lights (and do it for a modest annual budget of less than \$100,000), the Venice Beach BID, according to the management plan it submitted to the City Council, will also hire so-called ambassadors to provide information to tourists, control crowds and engage in "crime prevention" activities. The budget for the first year of operation is about \$1.8 million. The BID plan acknowledges that "homeless outreach and social service referrals" will probably be a big component of its plan and that it may partner with social service providers to accomplish that.

We're glad that property owners around Venice Beach care about their community and that they're willing to pay extra to improve the neighborhood. But when it comes to the homeless, they must decide whether they want to be part of the solution or part of the problem. If the ambassadors are going to constitute a de facto private security force, their job should not be to hassle the homeless in an effort to move them pointlessly from corner to corner or to push them out of the neighborhood so that they become another jurisdiction's problem. There are laws against aggressive panhandling and blocking doorways that can legitimately be enforced, but neither police nor private security is allowed to roust homeless people sleeping on sidewalks at night, under the terms of a court settlement. Even during the day, when the municipal code against sitting, lying or sleeping on a sidewalk or street is enforceable, the BID ambassadors would be required to call the police or city employees to enforce it, according to the city attorney's office. The Downtown Industrial District BID was sued two years ago over its seizure of homeless people's

belongings on skid row.

The long-term answer to homelessness lies in creating more affordable supportive housing. In the shorter-term, there needs to be more storage facilities for homeless people and more public bathrooms. Communities need to provide more outreach to homeless people to connect them with the housing and services they need. Mike Bonin, the City Council member in whose district the proposed BID sits (and who supports the proposal), has already secured a city property in Venice that would accommodate storage and plans to have the city keep one of the restroom kiosks at the beach in Venice open 24 hours. That's a smart start.

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**EXHIBIT F**

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HOLLY L. WOLCOTT  
CITY CLERK

SHANNON D. HOPPE  
EXECUTIVE OFFICER

City of Los Angeles  
CALIFORNIA



ERIC GARCETTI  
MAYOR

OFFICE OF THE  
CITY CLERK

NEIGHBORHOOD AND BUSINESS  
IMPROVEMENT DISTRICT DIVISION  
200 N. SPRING STREET, ROOM 224  
LOS ANGELES, CA 90012  
(213) 978-1099  
FAX: (213) 978-1130

MIRANDA PASTER  
DIVISION MANAGER

[clerk.lacity.org](http://clerk.lacity.org)

**BALLOT TABULATION RESULTS FOR THE ESTABLISHMENT OF THE  
VENICE BEACH BUSINESS IMPROVEMENT DISTRICT (CF NO. 16-0749)**

**SECTION 1.** Results of the Proposition 218 ballot tabulation, pursuant to Article XIII D of the California Constitution, Section 36600 et seq. of the California Streets and Highways Code, and Section 53753 of the California Government Code:

	Ballots Cast	Weighted Value	Percent of Ballots
Supporting ("Yes") ballots:	89	\$1,052,547.80	75.35%
Opposing ("No") ballots:	99	\$344,371.22	24.65%

(NOTE: There were sixteen (16) ballots cast that could not be tabulated because they were not properly completed. These ballots were therefore not included in the overall ballot tabulation. See final page of attached ballot tabulation spreadsheet for breakdown of total assessment value, total property owners, total parcels and weighted value of each parcel.)

The weighted value of the supporting ballots **exceeds** the weighted value of the opposing ballots.

**SECTION 2.** Protests received, pursuant to Section 53753(d) of the California Government Code:

Valid Protests Received:	5	\$74,644.34	4.03%
--------------------------	---	-------------	-------

Four protests were received that could not be verified as legal owners within the boundaries of the PBID. In addition, a petition in protest with 652 names was received, but could not be verified as valid protests. 53 speaker cards were received from the public: 2 were duplicates; 13 were in support of the PBID, 12 were in opposition to the PBID and 26 were general comments. Those speaking against the PBID comprise 1.85 percent of the total assessment.

**CONCLUSION:** The tabulated value of the opposing ballots cast **does not** exceed the tabulated value of the supporting ballots cast. A majority protest, pursuant to Section 4(e) of Article XIII D of the California Constitution, Section 36623 of the California Streets and Highways Code, and Section 53753(e)(2) of the California Government Code, is **not** found to exist and the **proposed establishment** may be authorized by the City Council at this time.

BY:

APPROVED:

*Rita Wilson*  
Deputy City Clerk  
November 9, 2016  
Date

*Holly L. Wolcott*  
HOLLY L. WOLCOTT  
City Clerk  
11/9/16  
Date

HOLLY L. WOLCOTT  
CITY CLERK

SHANNON D. HOPPE  
EXECUTIVE OFFICER

When making inquiries relative to  
this matter, please refer to the  
Council File No.: 16-0749

City of Los Angeles  
CALIFORNIA



ERIC GARCETTI  
MAYOR

OFFICE OF THE  
CITY CLERK

**Council and Public Services Division**

200 N. SPRING STREET, ROOM 395  
LOS ANGELES, CA 90012  
GENERAL INFORMATION - (213) 978-1133  
FAX: (213) 978-1040

BRIAN E. WALTERS  
DIVISION CHIEF

CLERK.LACITY.ORG

OFFICIAL ACTION OF THE LOS ANGELES CITY COUNCIL

November 15, 2016

**Council File No.:** 16-0749

**Council Meeting Date:** November 09, 2016

**Agenda Item No.:** 30

**Agenda Description:** PUBLIC ANNOUNCEMENT OF BALLOT TABULATION and ORDINANCE FIRST CONSIDERATION relative to establishment of the Venice Beach Property and Business Improvement District, pursuant to Section 53753 of the California Government Code, Section 36600 et seq. of the California Streets and Highways Code and Article XIII D of the California Constitution.

**Council Action:** ORDINANCE ADOPTED FORTHWITH

<b>Council Vote:</b>	YES	BOB BLUMENFIELD
	YES	MIKE BONIN
	YES	JOE BUSCAINO
	YES	GILBERT A. CEDILLO
	ABSENT	MITCHELL ENGLANDER
	YES	MARQUEECE HARRIS-DAWSON
	YES	JOSE HUIZAR
	YES	PAUL KORETZ
	YES	PAUL KREKORIAN
	ABSENT	NURY MARTINEZ
	YES	MITCH O'FARRELL
	YES	CURREN D. PRICE
	YES	DAVID RYU
	YES	HERB WESSON

04/13/2016

  
HOLLY L. WOLCOTT  
CITY CLERK

**ORDINANCE NO. 184556**

An ordinance establishing the Venice Beach Business Improvement District (District) and levying assessments, pursuant to the Provisions of the Property and Business Improvement District Law of 1994 (Division 18, Part 7, Streets and Highways Code, State of California).

**WHEREAS**, the Property and Business Improvement District Law of 1994 authorizes cities to establish Property and Business Improvement Districts for the purpose of levying assessments on real property for certain purposes; and

**WHEREAS**, petitions were filed by property owners in the Venice Beach business community who would pay more than 50 percent of the total amount of assessments to be levied, requesting that the City Council establish the Venice Beach Business Improvement District;

**WHEREAS**, the Management District Plan and Engineer's Report supporting the establishment of the proposed Business Improvement District have been reviewed and approved by the Office of the City Clerk.

**WHEREAS**, the City Council, on Tuesday, September 20, 2016 adopted Ordinance No. 184506 declaring its intention to establish the Venice Beach Business Improvement District and levy assessments;

**WHEREAS**, the City Clerk gave notice, in the manner specified in Government Code Section 53753, to the record owner of each parcel subject to the levy of an assessment that a public hearing would be held on Tuesday, November 8, 2016 concerning establishment of the District; and

**WHEREAS**, the City Council held a public hearing concerning establishment of the District shortly after 10:00 a.m. on NOV - 8 2016 in the John Ferraro Council Chamber, Room 340, City Hall, 200 North Spring Street, Los Angeles, California; and

**WHEREAS**, the City Council has heard all testimony and received all evidence concerning the establishment of the District and desires to establish the District.

**NOW THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. ESTABLISHMENT OF DISTRICT AND LEVY OF ASSESSMENTS.  
The City Council hereby establishes the Venice Beach Business Improvement District

and levies an assessment on each property within the District for each fiscal year referred to in the Management District Plan.

Sec. 2. MAJORITY PROTEST. The City Council hereby finds that there was no majority protest against the establishment of the District and levy of assessments.

Sec. 3. ADOPTION OF ENGINEER'S REPORT AND MANAGEMENT DISTRICT PLAN. The City Council hereby reaffirms its adoption, approval, and confirmation of the Engineer's Report and the Management District Plan included in Council File No. 16-0749.

Sec. 4. BENEFIT TO PARCELS WITHIN THE DISTRICT. The City Council finds and declares that the properties within the District will receive a special benefit from the improvements and activities funded by the assessments to be levied.

Sec. 5. PROPORTIONAL BENEFIT. The City Council hereby reaffirms that the assessment imposed on each parcel does not exceed the reasonable cost of the proportional benefit conferred on that parcel.

Sec. 6. ASSESSMENTS SUPPORTED BY ENGINEER'S REPORT. The City Council hereby reaffirms that all assessments are supported by a detailed Engineer's Report prepared by a registered professional engineer certified by the State of California and reviewed and approved by the Office of the City Clerk.

Sec. 7. DISTRICT BOUNDARIES. The City Council hereby declares that the boundaries of the proposed District are as detailed in the Management District Plan. The proposed Venice Beach area is described generally to consist of government parcels along the western edge facing Ocean Front Walk, excluding beach/sand, between Barnard Way on the north and North Venice Blvd. on the south; then along North Venice Blvd., Center Ct. and South Venice Blvd. between the easternmost government parcels facing Ocean Front Walk on the west to Abbot Kinney Blvd. on the east; then back around toward the west along North Venice Blvd. and 20<sup>th</sup> Pl.; then north along Ocean Front Walk, Speedway, across on 17<sup>th</sup> Pl. and 18<sup>th</sup> Ave., north on Pacific Ave., along Venice Way and crossing to Grand Blvd. to Windward Ave., and north to Westminster Ave. to Abbot Kinney Blvd. to Brooks Ave., then north to the alley between Vernon Ave. and Sunset Ave., then to 4<sup>th</sup> Ave. and north to Rose Ave., then west to Hampton Dr., and north and cutting across to Marine Ct., then south to Rose Ave., then south on Main St. to Sunset Ave., to Pacific Ave., then south and cutting across to Thornton Pl., then south on Main St. to Clubhouse Ave., west to Pacific Ave., south to Westminster Ave., over to Park Row, then across to Pacific Ave. and south to Horizon Ct., west to Speedway and continuing north on Speedway and Ocean Front Walk to Barnard Way. All properties zoned solely residential within the approximate boundaries described above are excluded from the proposed District.



Sec. 8. THE DISTRICT'S ASSESSMENT. The City Council hereby reaffirms that the District's total assessment for five (5) years is estimated to be \$10,339,113, assuming a 5% yearly increase. The District's total annual assessment for the first year is estimated to be \$1,871,119.

Sec. 9. IMPROVEMENTS AND ACTIVITIES. The City Council hereby reaffirms that the District's activities and improvements are detailed in the Management District Plan and include, but are not limited to: Clean and Safe Programs, District Identity and Special Projects, and Administration and Management.

Sec. 10. FUNDING OF IMPROVEMENTS AND ACTIVITIES. The City Council declares that the improvements and activities to be provided in the District will be funded by the levy of assessments on properties within the District. The revenue from the levy of assessments within the District shall not be used to provide improvements and activities outside the District or for any purpose other than the purposes specified in Ordinance No. 184382. The District will not issue bonds.

Sec. 11. AMENDMENT TO ENABLING STATUTE. The properties and businesses within the District established by this Ordinance shall be subject to any amendments to the Property and Business Improvement District Law of 1994 (Division 18, Part 7, Streets and Highways Code, State of California.).

Sec. 12. DISTRICT OPERATIONAL PERIOD. The District's operational period shall begin on January 1, 2017 and end on December 31, 2021.

Sec. 13. PERIOD TO REQUEST DISESTABLISHMENT. There shall be a 30-day period in each year of the District's operation during which property owners may request disestablishment of the District. The first period shall begin one year after the effective date of this ordinance and shall continue for 30 days. The next 30-day period shall begin two years after the effective date of this ordinance and continue for 30 days. For each successive year of the District's operation, the 30-day period shall begin on the anniversary of the effective date of this ordinance and continue for 30 days.

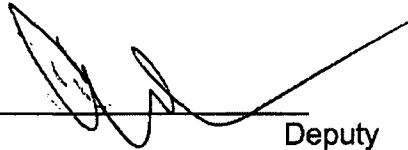
Sec 14. SPECIAL FUND ESTABLISHMENT. The revenue from the assessment shall be collected and placed in the Special Trust Fund to be established and to be known as the Venice Beach Business Improvement District Fund (Fund). All interest and other earnings attributable to assessments, contributions and other revenue deposited in the Special Fund shall be credited to the Fund.

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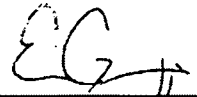
Sec. 15. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of NOV - 9 2016.

HOLLY L. WOLCOTT, City Clerk

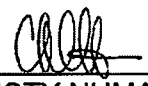
By  Deputy

Approved NOV 09 2016

  
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By   
CHRISTY NUMANO-HIURA  
Deputy City Attorney

Date 11-1-16

Council File No. 16-0749

04/13/2018

**EXHIBIT G**

04/13/2018

## CPRA request (VBBID.2017.02.17.a)

**From:** [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)  
**To:** [carl@lambertinc.com](mailto:carl@lambertinc.com), [sheumann@sidewalkent.com](mailto:sheumann@sidewalkent.com), [marksokol@hotmail.com](mailto:marksokol@hotmail.com), [mark@mphotel.com](mailto:mark@mphotel.com)  
**Subject:** CPRA request (VBBID.2017.02.17.a)  
**Date:** Friday, February 17, 2017 3:59 PM  
**Size:** 2 KB

---

Good afternoon, Venice Beach BID.

I'd like to take a look at the following listed records. For emails, I need to see these in their native format, which means one of .eml, .msg, .mbox, or .pst. I will also need to see all attachments to emails in their own native formats. If you supply the emails in the above-listed formats the attachments are included automatically.

1. All communications, including but not limited to email, between anyone at the VBBID and anyone at the City of Los Angeles, including but not limited to the Clerk's office, CD11, and the LAPD.
2. All communications, including but not limited to email, between anyone at the VBBID and anyone at Devine Strategies, including subcontractors, e.g. Ed Henning and any others about whom I don't know.
3. All intra-board communications that relate to the business of the BID.
4. All records relating to the VBBID's choice of a security provider. As I don't know whether or not you all have chosen one, I can't be too specific. If you have not I'd like to see all communications, RFPs, proposals, and so on. If you have, I'd like to see all that same stuff plus contracts, training materials, MOUs, etc.

Thanks in advance for your help and cooperation,

Adrian Riskin

04/13/2018

04/13/2018

**EXHIBIT H**

## Re: CPRA request (VBBID.2017.02.17.a)

**From:** [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)  
**To:** [carl@lambertinc.com](mailto:carl@lambertinc.com), [sheumann@sidewalkent.com](mailto:sheumann@sidewalkent.com), [marksokol@hotmail.com](mailto:marksokol@hotmail.com), [mark@mphotel.com](mailto:mark@mphotel.com), [tara@devine-strategies.com](mailto:tara@devine-strategies.com)  
**Subject:** Re: CPRA request (VBBID.2017.02.17.a)  
**Date:** Wednesday, March 08, 2017 6:26 AM  
**Size:** 2 KB

---

Good morning, VBBID.

Is there any news on this request?

Thanks,

Adrian

On Fri, Feb 17, 2017, at 03:59 PM, [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org) wrote:

Good afternoon, Venice Beach BID.

I'd like to take a look at the following listed records. For emails, I need to see these in their native format, which means one of .eml, .msg, .mbox, or .pst. I will also need to see all attachments to emails in their own native formats. If you supply the emails in the above-listed formats the attachments are included automatically.

1. All communications, including but not limited to email, between anyone at the VBBID and anyone at the City of Los Angeles, including but not limited to the Clerk's office, CD11, and the LAPD.
2. All communications, including but not limited to email, between anyone at the VBBID and anyone at Devine Strategies, including subcontractors, e.g. Ed Henning and any others about whom I don't know.
3. All intra-board communications that relate to the business of the BID.
4. All records relating to the VBBID's choice of a security provider. As I don't know whether or not you all have chosen one, I can't be too specific. If you have not I'd like to see all communications, RFPs, proposals, and so on. If you have, I'd like to see all that same stuff plus contracts, training materials, MOUs, etc.

Thanks in advance for your help and cooperation,

Adrian Riskin

04/13/2018

04/13/2018

**EXHIBIT I**

## Re: CPRA request (VBBID.2017.02.17.a)

**From:** [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)  
**To:** [carl@lambertinc.com](mailto:carl@lambertinc.com), [sheumann@sidewalkent.com](mailto:sheumann@sidewalkent.com), [marksokol@hotmail.com](mailto:marksokol@hotmail.com), [mark@mphotel.com](mailto:mark@mphotel.com), [tara@devine-strategies.com](mailto:tara@devine-strategies.com)  
**Subject:** Re: CPRA request (VBBID.2017.02.17.a)  
**Date:** Tuesday, March 21, 2017 12:15 PM  
**Size:** 2 KB

---

Good afternoon, VBBID.

Can you please respond to this? A reply was due on February 27.

Thanks,

Adrian

On Wed, Mar 8, 2017, at 07:26 AM, [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org) wrote:

Good morning, VBBID.

Is there any news on this request?

Thanks,

Adrian

On Fri, Feb 17, 2017, at 03:59 PM, [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org) wrote:

Good afternoon, Venice Beach BID.

I'd like to take a look at the following listed records. For emails, I need to see these in their native format, which means one of .eml, .msg, .mbox, or .pst. I will also need to see all attachments to emails in their own native formats. If you supply the emails in the above-listed formats the attachments are included automatically.

1. All communications, including but not limited to email, between anyone at the VBBID and anyone at the City of Los Angeles, including but not limited to the Clerk's office, CD11, and the LAPD.

2. All communications, including but not limited to email, between anyone at the VBBID and anyone at Devine Strategies, including subcontractors, e.g. Ed Henning and any others about whom I don't know.

3. All intra-board communications that relate to the business of the BID.

4. All records relating to the VBBID's choice of a security provider. As I don't know whether or not you all have chosen one, I can't be too specific. If you have not I'd like to see all communications, RFPs, proposals, and so on. If you have, I'd like to see all that same stuff plus contracts, training materials, MOUs, etc.

Thanks in advance for your help and cooperation,

Adrian Riskin

04/13/2018



**EXHIBIT J**

04/13/2018

## Re: CPRA request (VBBID.2017.02.17.a)

**From:** [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)  
**To:** [carl@lambertinc.com](mailto:carl@lambertinc.com), [sheumann@sidewalkent.com](mailto:sheumann@sidewalkent.com), [marksokol@hotmail.com](mailto:marksokol@hotmail.com), [mark@mphotel.com](mailto:mark@mphotel.com), [tara@venicebeachbid.com](mailto:tara@venicebeachbid.com), [tara@devine-strategies.com](mailto:tara@devine-strategies.com)  
**Subject:** Re: CPRA request (VBBID.2017.02.17.a)  
**Date:** Saturday, October 14, 2017 7:29 AM  
**Size:** 3 KB

---

Good morning, Venice Beach BID.

I'm wondering what has become of the appended request. I sent it eight months ago. The law requires you to have responded by February 27, 2017, but you have failed to respond at all.

I see that I neglected to include a starting date for your search. I need to see all such records from January 1, 2016 through whenever you run the searches.

Thanks for your help and cooperation,

Adrian

On Fri, Feb 17, 2017, at 04:59 PM, [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org) wrote:

Good afternoon, Venice Beach BID.

I'd like to take a look at the following listed records. For emails, I need to see these in their native format, which means one of .eml, .msg, .mbox, or .pst. I will also need to see all attachments to emails in their own native formats. If you supply the emails in the above-listed formats the attachments are included automatically.

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2. All communications, including but not limited to email, between anyone at the VBBID and anyone at Devine Strategies, including subcontractors, e.g. Ed Henning and any others about whom I don't know.
3. All intra-board communications that relate to the business of the BID.
4. All records relating to the VBBID's choice of a security provider. As I don't know whether or not you all have chosen one, I can't be too specific. If you have not I'd like to see all communications, RFPs, proposals, and so on. If you have, I'd like to see all that same stuff plus contracts, training materials, MOUs, etc.

Thanks in advance for your help and cooperation,

Adrian Riskin

04/13/2018

04/13/2018

**EXHIBIT K**

## Re: CPRA request (VBBID.2017.02.17.a)

**From:** [Tara Devine <tara@venicebeachbid.com>](mailto:tara@venicebeachbid.com)  
**To:** [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)  
**Cc:** [Carl Lambert <carl@lambertinc.com>](mailto:carl@lambertinc.com), [Steve Heumann <sheumann@sidewalkent.com>](mailto:sheumann@sidewalkent.com), [marksokol@hotmail.com](mailto:marksokol@hotmail.com), [Mark Sokol <mark@mphotel.com>](mailto:mark@mphotel.com), [Tara Devine <tara@devine-strategies.com>](mailto:tara@devine-strategies.com)  
**Subject:** Re: CPRA request (VBBID.2017.02.17.a)  
**Date:** Friday, October 20, 2017 5:18 PM  
**X-Delivered-To:** [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)  
**Size:** 13 KB

---

Dear Mr. Riskin:

Thank you for your CPRA request.

We are reviewing our records to determine any records responsive to your request.

On Sat, Oct 14, 2017 at 7:29 AM, [<adrian@mailingaddress.org>](mailto:adrian@mailingaddress.org) wrote:

Good morning, Venice Beach BID.

I'm wondering what has become of the appended request. I sent it eight months ago. The law requires you to have responded by February 27, 2017, but you have failed to respond at all.

I see that I neglected to include a starting date for your search. I need to see all such records from January 1, 2016 through whenever you run the searches.

Thanks for your help and cooperation,

Adrian

On Fri, Feb 17, 2017, at 04:59 PM, [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org) wrote:

> Good afternoon, Venice Beach BID.

>

> I'd like to take a look at the following listed records. For emails, I

> need to see these in their native format, which means one of .eml, .msg,

> .mbox, or .pst. I will also need to see all attachments to emails in

> their own native formats. If you supply the emails in the above-listed

> formats the attachments are included automatically.

>

> 1. All communications, including but not limited to email, between

> anyone at the VBBID and anyone at the City of Los Angeles, including but

> not limited to the Clerk's office, CD11, and the LAPD.

>

> 2. All communications, including but not limited to email, between

> anyone at the VBBID and anyone at Devine Strategies, including

> subcontractors, e.g. Ed Henning and any others about whom I don't know.

>

> 3. All intra-board communications that relate to the business of the

> BID.

>

> 4. All records relating to the VBBID's choice of a security provider.

> As I don't know whether or not you all have chosen one, I can't be too

> specific. If you have not I'd like to see all communications, RFPs,

> proposals, and so on. If you have, I'd like to see all that same stuff

> plus contracts, training materials, MOUs, etc.

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3/4/2018

Re: CPRA request (VBBID.2017.02.17.a) | Fa |

>  
> Thanks in advance for your help and cooperation,  
>  
> Adrian Riskin

04/13/2018

04/13/2018

**EXHIBIT L**

## Re: CPRA request (VBBID.2017.02.17.a)

**From:** [Tara Devine <tara@venicebeachbid.com>](mailto:tara@venicebeachbid.com)  
**To:** [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)  
**Cc:** [Mark Sokol <mark@venicebeachbid.com>](mailto:mark@venicebeachbid.com), [Steve Heumann <steve@venicebeachbid.com>](mailto:steve@venicebeachbid.com),  
[Carl Lambert <carl@venicebeachbid.com>](mailto:carl@venicebeachbid.com)  
**Subject:** Re: CPRA request (VBBID.2017.02.17.a)  
**Date:** Friday, November 03, 2017 12:00 PM  
**X-Delivered-To:** [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)  
**Size:** 15 KB

---

Dear Mr. Riskin:

Thank you for your interest in our records. For future correspondence, please update your records/make note of our BID email addresses as shown above.

We seek to provide these records at our earliest opportunity. At a minimum, we will provide an update by Thanksgiving.

Warmest regards,

Tara

On Fri, Oct 20, 2017 at 5:17 PM, Tara Devine <[tara@venicebeachbid.com](mailto:tara@venicebeachbid.com)> wrote:

Dear Mr. Riskin:

Thank you for your CPRA request.

We are reviewing our records to determine any records responsive to your request.

On Sat, Oct 14, 2017 at 7:29 AM, <[adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)> wrote:

Good morning, Venice Beach BID.

I'm wondering what has become of the appended request. I sent it eight months ago. The law requires you to have responded by February 27, 2017, but you have failed to respond at all.

I see that I neglected to include a starting date for your search. I need to see all such records from January 1, 2016 through whenever you run the searches.

Thanks for your help and cooperation,

Adrian

On Fri, Feb 17, 2017, at 04:59 PM, [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org) wrote:

> Good afternoon, Venice Beach BID.

>

> I'd like to take a look at the following listed records. For emails, I  
 > need to see these in their native format, which means one of .eml, .msg,  
 > .mbox, or .pst. I will also need to see all attachments to emails in  
 > their own native formats. If you supply the emails in the above-listed  
 > formats the attachments are included automatically.

>

> 1. All communications, including but not limited to email, between  
 > anyone at the VBBID and anyone at the City of Los Angeles, including but

04/13/2018

- > not limited to the Clerk's office, CD11, and the LAPD.
- >
- > 2. All communications, including but not limited to email, between
- > anyone at the VBBID and anyone at Devine Strategies, including
- > subcontractors, e.g. Ed Henning and any others about whom I don't know.
- >
- > 3. All intra-board communications that relate to the business of the
- > BID.
- >
- > 4. All records relating to the VBBID's choice of a security provider.
- > As I don't know whether or not you all have chosen one, I can't be too
- > specific. If you have not I'd like to see all communications, RFPs,
- > proposals, and so on. If you have, I'd like to see all that same stuff
- > plus contracts, training materials, MOUs, etc.
- >
- > Thanks in advance for your help and cooperation,
- >
- > Adrian Riskin

04/13/2018



**EXHIBIT M**

04/13/2018

## Re: CPRA request (VBBID.2017.02.17.a)

**From:** [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)  
**To:** [Tara Devine <tara@venicebeachbid.com>](mailto:Tara Devine <tara@venicebeachbid.com>)  
**Cc:** [Mark Sokol <mark@venicebeachbid.com>](mailto:Mark Sokol <mark@venicebeachbid.com>), [Steve Heumann <steve@venicebeachbid.com>](mailto:Steve Heumann <steve@venicebeachbid.com>),  
[Carl Lambert <carl@venicebeachbid.com>](mailto:Carl Lambert <carl@venicebeachbid.com>)  
**Subject:** Re: CPRA request (VBBID.2017.02.17.a)  
**Date:** Friday, November 03, 2017 12:21 PM  
**Size:** 4 KB

---

Hi Ms. Devine.

The law requires you to set a date by which you will provide the records rather than a date by which you will provide an "update."

It also requires you to make records available promptly, which you have failed to do.

Thanks,

Adrian

On November 3, 2017 12:00:14 PM PDT, Tara Devine <[tara@venicebeachbid.com](mailto:tara@venicebeachbid.com)> wrote:

Dear Mr. Riskin:

Thank you for your interest in our records. For future correspondence, please update your records/make note of our BID email addresses as shown above.

We seek to provide these records at our earliest opportunity. At a minimum, we will provide an update by Thanksgiving.

Warmest regards,

Tara

On Fri, Oct 20, 2017 at 5:17 PM, Tara Devine <[tara@venicebeachbid.com](mailto:tara@venicebeachbid.com)> wrote:

Dear Mr. Riskin:

Thank you for your CPRA request.

We are reviewing our records to determine any records responsive to your request.

On Sat, Oct 14, 2017 at 7:29 AM, <[adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)> wrote:

Good morning, Venice Beach BID.

I'm wondering what has become of the appended request. I sent it eight

months ago. The law requires you to have responded by February 27, 2017, but you have failed to respond at all.

I see that I neglected to include a starting date for your search.

need to see all such records from January 1, 2016 through whenever

you

run the searches.

Thanks for your help and cooperation,

Adrian

On Fri, Feb 17, 2017, at 04:59 PM, [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org) wrote:

Good afternoon, Venice Beach BID.

I'd like to take a look at the following listed records. For

emails, I

need to see these in their native format, which means one of .eml,

.msg,

.mbox, or .pst. I will also need to see all attachments to emails

in

their own native formats. If you supply the emails in the

above-listed

formats the attachments are included automatically.

1. All communications, including but not limited to email, between anyone at the VBBID and anyone at the City of Los Angeles,

including but

not limited to the Clerk's office, CD11, and the LAPD.

2. All communications, including but not limited to email, between anyone at the VBBID and anyone at Devine Strategies, including subcontractors, e.g. Ed Henning and any others about whom I don't

know.

3. All intra-board communications that relate to the business of

the

BID.

4. All records relating to the VBBID's choice of a security

provider.

As I don't know whether or not you all have chosen one, I can't be

too

specific. If you have not I'd like to see all communications,

04/13/2018

3/4/2018

Re: CPRA request (VBBID.2017.02.17.a) | Fa |

RFPs,

proposals, and so on. If you have, I'd like to see all that same

stuff

plus contracts, training materials, MOUs, etc.

Thanks in advance for your help and cooperation,

Adrian Riskin

04/13/2018

04/13/2018

**EXHIBIT N**

## Re: CPRA request (VBBID.2017.02.17.a)

**From:** [Tara Devine <tara@venicebeachbid.com>](mailto:tara@venicebeachbid.com)  
**To:** [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)  
**Cc:** [Mark Sokol <mark@venicebeachbid.com>](mailto:mark@venicebeachbid.com), [Steve Heumann <steve@venicebeachbid.com>](mailto:steve@venicebeachbid.com),  
[Carl Lambert <carl@venicebeachbid.com>](mailto:carl@venicebeachbid.com)  
**Subject:** Re: CPRA request (VBBID.2017.02.17.a)  
**Date:** Wednesday, November 22, 2017 6:53 PM  
**X-Delivered-To:** [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)  
**Size:** 18 KB

---

Mr. Riskin:

We continue to work on your request and expect to provide at least partial records in December. We will continue to provide a regular update until we have completed the request.

Happy Thanksgiving!

Tara

On Nov 3, 2017 12:21 PM, <[adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)> wrote:

Hi Ms. Devine.

The law requires you to set a date by which you will provide the records rather than a date by which you will provide an "update."

It also requires you to make records available promptly, which you have failed to do.

Thanks,

Adrian

On November 3, 2017 12:00:14 PM PDT, Tara Devine <[tara@venicebeachbid.com](mailto:tara@venicebeachbid.com)> wrote:

>Dear Mr. Riskin:

>

>Thank you for your interest in our records. For future correspondence,

>please update your records/make note of our BID email addresses as

>shown

>above.

>

>We seek to provide these records at our earliest opportunity. At a

>minimum, we will provide an update by Thanksgiving.

>

>Warmest regards,

>

>Tara

>

>On Fri, Oct 20, 2017 at 5:17 PM, Tara Devine <[tara@venicebeachbid.com](mailto:tara@venicebeachbid.com)>

>wrote:

>

>> Dear Mr. Riskin:

>>

>>

>> Thank you for your CPRA request.

>> We are reviewing our records to determine any records responsive to

>your

>> request.

>>

04/13/2018

>>  
>> On Sat, Oct 14, 2017 at 7:29 AM, <[adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)> wrote:  
>>  
>>> Good morning, Venice Beach BID.  
>>>  
>>> I'm wondering what has become of the appended request. I sent it  
>eight  
>>> months ago. The law requires you to have responded by February 27,  
>>> 2017, but you have failed to respond at all.  
>>>  
>>> I see that I neglected to include a starting date for your search.  
>I  
>>> need to see all such records from January 1, 2016 through whenever  
>you  
>>> run the searches.  
>>>  
>>> Thanks for your help and cooperation,  
>>>  
>>> Adrian  
>>>  
>>> On Fri, Feb 17, 2017, at 04:59 PM, [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org) wrote:  
>>> > Good afternoon, Venice Beach BID.  
>>> >  
>>> > I'd like to take a look at the following listed records. For  
>emails, I  
>>> > need to see these in their native format, which means one of .eml,  
>.msg,  
>>> > .mbox, or .pst. I will also need to see all attachments to emails  
>in  
>>> > their own native formats. If you supply the emails in the  
>above-listed  
>>> > formats the attachments are included automatically.  
>>> >  
>>> > 1. All communications, including but not limited to email, between  
>>> > anyone at the VBBID and anyone at the City of Los Angeles,  
>including but  
>>> > not limited to the Clerk's office, CD11, and the LAPD.  
>>> >  
>>> > 2. All communications, including but not limited to email, between  
>>> > anyone at the VBBID and anyone at Devine Strategies, including  
>>> > subcontractors, e.g. Ed Henning and any others about whom I don't  
>know.  
>>> >  
>>> > 3. All intra-board communications that relate to the business of  
>the  
>>> > BID.  
>>> >  
>>> > 4. All records relating to the VBBID's choice of a security  
>provider.  
>>> > As I don't know whether or not you all have chosen one, I can't be  
>too  
>>> > specific. If you have not I'd like to see all communications,  
>RFPs,  
>>> > proposals, and so on. If you have, I'd like to see all that same  
>stuff  
>>> > plus contracts, training materials, MOUs, etc.  
>>> >  
>>> > Thanks in advance for your help and cooperation,  
>>> >  
>>> > Adrian Riskin  
>>>

04/13/2018

3/4/2018

Re: CPRA request (VBBID.2017.02.17.a) | Fa |

>>  
>>

04/13/2018



**EXHIBIT O**

04/13/2018

## Re: CPRA request (VBBID.2017.02.17.a)

**From:** [Tara Devine <tara@venicebeachbid.com>](mailto:tara@venicebeachbid.com)  
**To:** [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)  
**Cc:** [Mark Sokol <mark@venicebeachbid.com>](mailto:mark@venicebeachbid.com), [Steve Heumann <steve@venicebeachbid.com>](mailto:steve@venicebeachbid.com)  
**Subject:** Re: CPRA request (VBBID.2017.02.17.a)  
**Date:** Monday, January 01, 2018 5:11 PM  
**X-Delivered-To:** [adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)  
**Size:** 19 KB

---

Mr. Riskin:

I had unexpected surgeries in both Sept and Dec and will have continuing rehabilitation in Jan. This has limited my ability to work on many items (including your request) and delayed our overall efforts. We are continuing to work on your request and will keep you apprised.

Happy New Year!

Warmest regards,  
 Tara

On Wed, Nov 22, 2017 at 6:52 PM, Tara Devine <[tara@venicebeachbid.com](mailto:tara@venicebeachbid.com)> wrote:

Mr. Riskin:

We continue to work on your request and expect to provide at least partial records in December. We will continue to provide a regular update until we have completed the request.

Happy Thanksgiving!

Tara

On Nov 3, 2017 12:21 PM, <[adrian@mailingaddress.org](mailto:adrian@mailingaddress.org)> wrote:

Hi Ms. Devine.

The law requires you to set a date by which you will provide the records rather than a date by which you will provide an "update."

It also requires you to make records available promptly, which you have failed to do.

Thanks,

Adrian

On November 3, 2017 12:00:14 PM PDT, Tara Devine <[tara@venicebeachbid.com](mailto:tara@venicebeachbid.com)> wrote:

>Dear Mr. Riskin:

>

>Thank you for your interest in our records. For future correspondence,

>please update your records/make note of our BID email addresses as

>shown

>above.

>

>We seek to provide these records at our earliest opportunity. At a

>minimum, we will provide an update by Thanksgiving.

>

>Warmest regards,

>

>Tara

>

04/13/2018

>On Fri, Oct 20, 2017 at 5:17 PM, Tara Devine <[tara@venicebeachbid.com](mailto:tara@venicebeachbid.com)>  
 >wrote:  
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 >> Thank you for your CPRA request.  
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 >eight  
 >>> months ago. The law requires you to have responded by February 27,  
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 >>> I see that I neglected to include a starting date for your search.  
 >I  
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 >>> Thanks for your help and cooperation,  
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 >>> > I'd like to take a look at the following listed records. For  
 >emails, I  
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 >>> > .mbox, or .pst. I will also need to see all attachments to emails  
 >in  
 >>> > their own native formats. If you supply the emails in the  
 >above-listed  
 >>> > formats the attachments are included automatically.  
 >>> >  
 >>> > 1. All communications, including but not limited to email, between  
 >>> > anyone at the VBBID and anyone at the City of Los Angeles,  
 >including but  
 >>> > not limited to the Clerk's office, CD11, and the LAPD.  
 >>> >  
 >>> > 2. All communications, including but not limited to email, between  
 >>> > anyone at the VBBID and anyone at Devine Strategies, including  
 >>> > subcontractors, e.g. Ed Henning and any others about whom I don't  
 >know.  
 >>> >  
 >>> > 3. All intra-board communications that relate to the business of  
 >the  
 >>> > BID.  
 >>> >  
 >>> > 4. All records relating to the VBBID's choice of a security  
 >provider.  
 >>> > As I don't know whether or not you all have chosen one, I can't be

04/13/2018

3/4/2018

Re: CPRA request (VBBID.2017.02.17.a) | Fa |

>too  
>>> > specific. If you have not I'd like to see all communications,  
>RFPs,  
>>> > proposals, and so on. If you have, I'd like to see all that same  
>stuff  
>>> > plus contracts, training materials, MOUs, etc.  
>>> >  
>>> > Thanks in advance for your help and cooperation,  
>>> >  
>>> > Adrian Riskin  
>>>  
>>  
>>

04/13/2018

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Abenicio Cisneros, SBN 302765  
268 Park View Terrace  
Oakland CA 94610

TELEPHONE NO.: 707-653-0438

FAX NO.:

ATTORNEY FOR (Name): Adrian Riskin

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 North Hill St.

MAILING ADDRESS: 111 North Hill St.

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Stanley Mosk Courthouse

CASE NAME:

Riskin v. Venice Beach Property Owners' Association

## CIVIL CASE COVER SHEET

- ☒ **Unlimited** (Amount demanded exceeds \$25,000) ☐ **Limited** (Amount demanded is \$25,000 or less)

## Complex Case Designation

- ☐ **Counter** ☐ **Joinder**  
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

JUDGE:

DEPT:

**FILED**  
FOR COURT USE ONLY  
Superior Court of California  
County of Los Angeles

APR 12 2018

Sherril B. Carter, Executive Officer/Clerk  
By Marlon Gomez Deputy

RECEIVED

APR 12 2018

FILING WINDOW

BS173266

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

## Auto Tort

- ☐ Auto (22)  
☐ Uninsured motorist (46)

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Asbestos (04)  
☐ Product liability (24)  
☐ Medical malpractice (45)  
☐ Other PI/PD/WD (23)

## Non-PI/PD/WD (Other) Tort

- ☐ Business tort/unfair business practice (07)  
☐ Civil rights (08)  
☐ Defamation (13)  
☐ Fraud (16)  
☐ Intellectual property (19)  
☐ Professional negligence (25)  
☐ Other non-PI/PD/WD tort (35)

## Employment

- ☐ Wrongful termination (36)  
☐ Other employment (15)

## Contract

- ☐ Breach of contract/warranty (06)  
☐ Rule 3.740 collections (09)  
☐ Other collections (09)  
☐ Insurance coverage (18)  
☐ Other contract (37)

## Real Property

- ☐ Eminent domain/Inverse condemnation (14)  
☐ Wrongful eviction (33)  
☐ Other real property (26)

## Unlawful Detainer

- ☐ Commercial (31)  
☐ Residential (32)  
☐ Drugs (38)

## Judicial Review

- ☐ Asset forfeiture (05)  
☐ Petition re: arbitration award (11)  
☒ Writ of mandate (02)  
☐ Other judicial review (39)

## Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- ☐ Antitrust/Trade regulation (03)  
☐ Construction defect (10)  
☐ Mass tort (40)  
☐ Securities litigation (28)  
☐ Environmental/Toxic tort (30)  
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

## Enforcement of Judgment

- ☐ Enforcement of judgment (20)

## Miscellaneous Civil Complaint

- ☐ RICO (27)  
☐ Other complaint (not specified above) (42)

## Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)  
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses  
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): California Public Records Act

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 4/10/18

Abenicio Cisneros

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

## NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

04/13/2018

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

## Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

## Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

## Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)

## Fraud (16)

## Intellectual Property (19)

## Professional Negligence (25)

## Legal Malpractice

Other Professional Malpractice (*not medical or legal*)

## Other Non-PI/PD/WD Tort (35)

## Employment

## Wrongful Termination (36)

## Other Employment (15)

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

## Real Property

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

## Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

## Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor  
Commissioner Appeals

## Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

## Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

## Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

SHORT TITLE: Riskin v. Venice Beach Property Owners Association	CASE NUMBER <b>BS173266</b>
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**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

**Step 1:** After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

**Step 2:** In Column B, check the box for the type of action that best describes the nature of the case.

**Step 3:** In Column C, circle the number which explains the reason for the court filing location you have chosen.

**Applicable Reasons for Choosing Court Filing Location (Column C)**

- |  |  |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides.  |
| 2. Permissive filing in central district.  | 8. Location wherein defendant/respondent functions wholly.   |
| 3. Location where cause of action arose.   | 9. Location where one or more of the parties reside.   |
| 4. Mandatory personal injury filing in North District.                           | 10. Location of Labor Commissioner Office.   |
| 5. Location where performance required or defendant resides.                     | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle.                          |  |

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1, 4, 11
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11 1, 4, 11

SHORT TITLE: Riskin v. Venice Beach Property Owners Association

CASE NUMBER

04/13/2018  
Unlawful Detainer  
Real Property  
Contract  
Employment  
Non-Personal Injury/Property Damage/Wrongful Death Tort

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels_____	2, 6
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11



SHORT TITLE: Riskin v. Venice Beach Property Owners Association	CASE NUMBER
---	-------------

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2, 8
		<input checked="" type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)		1, 2, 8	
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2, 3, 9
		<input type="checkbox"/> A6123 Workplace Harassment	2, 3, 9
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2, 3, 9
		<input type="checkbox"/> A6190 Election Contest	2
		<input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender	2, 7
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2, 3, 8
		<input type="checkbox"/> A6100 Other Civil Petition	2, 9

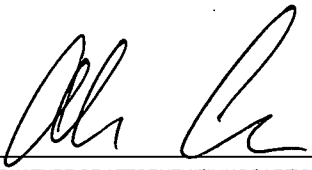
SHORT TITLE: Riskin v. Venice Beach Property Owners Association	CASE NUMBER
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**Step 4: Statement of Reason and Address:** Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

<b>REASON:</b> <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.		<b>ADDRESS:</b> 8 Horizon Ave
<b>CITY:</b> Venice	<b>STATE:</b> CA	<b>ZIP CODE:</b> 90291

**Step 5: Certification of Assignment:** I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: 4/10/18

  
 (SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

04/13/2018